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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

ALEJANDRO SALAZAR-GARCIA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-74554

Agency No. A71-910-996

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted November 8, 2005<sup>\*\*</sup>

Before: WALLACE, LEAVY and BERZON, Circuit Judges.

Alejandro Salazar-Garcia, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order summarily affirming

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

an immigration judge's order ("IJ") denying his application for adjustment of status. We dismiss the petition for review.

On appeal to the BIA, Salazar-Garcia, challenged the IJ's determination that he was ineligible for cancellation of removal, but did not claim that he is eligible for adjustment of status. Because Salazar-Garcia failed to raise the adjustment of status issue before the BIA, we lack jurisdiction to consider it. *See Barron v. Ashcroft*, 358 F.3d 674, 676 (9th Cir. 2004) (holding that exhaustion is mandatory and jurisdictional).

**PETITION FOR REVIEW DISMISSED.**